



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-36944-2024
Date of decision:06.08.2024

Amarjit Singh @ Pamma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sumit Dua, Advocate, for the petitioner.
Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.

1. Prayer in the present petition filed under Section 483 of BNSS for the grant of regular bail to the petitioner in case FIR No.38 dated 28.03.2023, registered under Sections 21/61/85 of NDPS Act, at Police Station Division No.1, District Jalandhar.
2. Learned counsel contends that the petitioner is in custody for last 1 year and 4 months. He was the driver of the vehicle from which the contraband was allegedly recovered and thus disputes the conscious possession of the alleged contraband which was recovered from the left side of the gear box of the vehicle. The other accused who were the occupants of the vehicle have since been granted regular bail by this Court vide orders dated 29.04.2024, 17.05.2024 and 20.05.2024, Annexures P-5 to P-7 respectively after being in custody for approximately 1 year and 2 months. Charges were framed on 13.10.2023, however, out of 12 prosecution witnesses, only one witness has been examined so far. The petitioner is not involved in any other case.
3. The custody certificate dated 06.08.2024 has been filed by learned



State counsel. As per the same, the petitioner is behind bars for 1 year, 4 months and 4 days.

4. Learned State counsel opposes the bail on the ground that the commercial quantity of contraband was recovered from the co-accused of the petitioner who was apprehended at the spot. He is however unable to controvert the submissions with regard to the stage of the case, co-accused having been granted bail and the petitioner is not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year and 4 months and 4 days; not involved in any other case; co-accused having been granted bail; charges stand framed on 13.10.2023, however, out of 12 prosecution witnesses, only one witness has been examined so far, the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to his not being required in any other case. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.

- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

August 06, 2024
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Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No